IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 19809 of 2007(G)

PETITIONER:

JOSHY VARGHESE, ROSE VILLA,
PULLUCHIRA P.O., KOLLAM.

BY ADV. SRI.BRIJESH MOHAN

RESPONDENTS:

1. THE DIST. COLLECTOR, KOLLAM.

2. THE REVENUE DIVISIONAL OFFICER, KOLLAM.

3. S.I. OF POLICE, KOTTIYAM POLICE STATION, KOTTIYAM, KOLLAM.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.6.2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

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W.P(C) No. 19809 of 2007

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Dated this, the 27th June, 2007.

J U D G M E N T

The petitioner's father Sri. Varghese Ambrose was missing from the house and was later found dead in the railway track on 15.6.2007. At the time the body could not be identified and therefore the same was buried at the public burial ground on 19.6.2007. Later on, the petitioner identified the body through foot wear and clothes of his father and submitted Ext.P1 request for taking out the body to cremate as per the religious and customary rites. The police have given Ext.P2 report, which shows that the contentions of the petitioner are correct. However, respondents 1 and 2 are not allowing the request made in Ext.P1. It is under the above circumstances, the petitioner has approached this Court seeking direction to the 1st respondent to allow the petitioner to take out the body of his father buried at Public Cemetry, Polayathodu, Kollam and bury the same as per the religious and customary rites.

2. I have heard the learned Government Pleader. On instructions, the 3rd respondent submits that the averments of the petitioner are correct.

In the above circumstances, there would be a direction to the 1st respondent to permit the petitioner to take out the body of his father

late Sri. Varghese Ambrose buried at Public Cemetry Polayathodu, Kollam and permit him to bury the same as per the religious and customary rites.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE.

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